

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 3, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

**READING OF THE MINUTES**

FRIENDT Having been appointed to read the minutes of the City Council proceedings of January 27, 2003, reported having done so, found same correct.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**PUBLIC HEARING**

VACATING THE NORTH-SOUTH ALLEY FROM THE NORTH LINE OF L STREET TO THE VACATED EAST-WEST ALLEY IN BLOCK 84, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 8TH AND L STREETS - Peter Katt, 1045 Lincoln Mall, Suite 200, Attorney for applicant, came forward in favor of this matter.  
This matter was taken under advisement.

DECLARING APPROXIMATELY 18,150 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 6TH AND PEACH STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF - Bill Austin, Attorney, 301 So. 13th Street, Suite 400, representing Lincoln Electric System came forward in favor of having the property declared as surplus.

Council Chair Cook asked if there were any buyers at this time.

Mr. Austin said he was not aware of any, but that LES intended to seek formal bids.

Councilman Friendt asked if these were open bids.

Mr. Austin replied that they were.

This matter was taken under advisement.

DECLARING APPROXIMATELY 9,456 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH AND RANDOLPH STREETS AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - Bill Austin, Attorney, 301 So. 13th Street, Suite 400, representing Lincoln Electric System, came forward in favor.

Council Chair Cook asked if LES intends to sell this property with the R-4 zoning in place.

Mr. Austin replied that they did.

This matter was taken under advisement.

DECLARING APPROXIMATELY 6.84 ACRES OF PROPERTY GENERALLY LOCATED AT 6400 WEST BENNET ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - Bill Austin, Attorney, 301 So. 13th Street, Suite 400, representing Lincoln Electric System, came forward in favor.

Council Chair Cook asked if LES will sell this property with the existing zoning, or will they ask for a change of zone.

Mr. Austin said he was not aware of any change needed. He indicated that there would be enough ground here to build a home.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 39.9 ACRES OF PROPERTY GENERALLY LOCATED AT NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(In connection w/03-22, 03R-25, 03R-26, 03R-27);

CHANGE OF ZONE 3373 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(In connection w/03-21, 03R-25, 03R-26, 03R-27);

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE

ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2. (In connection w/03-21, 03-22, 03R-26, 03R-27);  
ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL AND THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE ROAD TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES AND DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, AND PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03-22, 03R-26, 03R-27);

USE PERMIT 145 - APPLICATION OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR SPACE, WITH A WAIVER OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN connection w/03-21, 03-22, 03R-25, 03R-26) - Mark Hunzeker, 530 S. 13th St., Suite B, Attorney for Pine Lake Plaza Development, L.L.C., came forward to explain the Office Park area. The applicant feels they would like to maintain the Pine Lake Road section in its current rural character, rather than making it urbanized. Mr. Hunzeker handed out a set of amendments to the resolution, of which he gave an overview.

Discussion ensued regarding the right in and right out access, the upgrading of Pine Lake Road and the sidewalk waiver issue.

Charlie Humble, Attorney representing the Seventh Day Adventists, came forward in support of these items.

Doug Curry, 8130 Pine Lake Road, came forward requesting that the neighborhood be able to keep its rural effects intact. He asked that the Council adopt the recommendations of the Planning Commission.

Craig Groat, 4935 Huntington Street, came forward in opposition. He feels it is necessary for public safety to have the sidewalks installed.

Brian Will, Planning Dept., came forward to answer questions posed by Council about the requirements that the applicant is asking to have waived. The Planning Dept. is suggesting curbs and gutters and sidewalks along Pine Lake Road. We would like to have this development upgraded to provide the minimum level of service and improvement.

Marvin Krout, Planning Director, came forward to reiterate that this matter will need more discussion. The impact fee ordinance does specifically state that impact fees are not intended to go towards turn lanes and signals that directly serve this development. Sidewalk construction is assumed as a part of the arterial streets and currently the subdivision regulations do require developers to pay for sidewalks on the edge of arterial streets. Our department will check this out over the next week, but I would assume that 84th Street construction includes sidewalks, and perhaps sidewalks would not be a part of the final annexation agreement.

Nicole Fleck-Tooze, Public Works, came forward to answer questions posed by Council members. She noted the staff recommendation was that we not waive the requirement for the urban cross-section on Pine Lake Road and that the sidewalks not be waived. The Planning Commission recommendation was to at least provide a connection in the areas that Mark Hunzeker pointed out, which would provide a connection down South 82nd street and then over to the east on Eiger Drive. The staff recommendation is that we need a broader circulation to be able to go east on Pine Lake Road for pedestrians to be protected.

Mr. Hunzeker returned for rebuttal. He clarified that there are at least curbs in the Pine Lake subdivision. He reiterated that the neighborhood would ask that you leave Pine Lake in its current configuration. And that it is not necessary to create an urban cross-section out of Pine Lake Rd.

Discussion was held among Council members regarding the road, the conditions of it and about bringing it up to standards.

Mr. Hunzeker stated that his client has some issues with respect to the annexation that needs to be resolved, so therefore he requested that the public hearing be delayed on these items.

This matter was taken under advisement.

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO THE PROPERTY AT 311 N. 8TH STREET FOR THE INSTALLATION OF A PUBLIC STAIRWELL - Jeffrey Lewis, 311 N. 8th, Research & Development Corporation, came forward in favor. Mr. Lewis explained the need for an additional stairway.

Councilman Svoboda asked about the width of the sidewalk that would be in front of the building. Mr. Lewis explained that due to the door opening out onto the sidewalk, there would still be a 3' handicapped accessible width.

Discussion and questions followed between Council members and Mr. Lewis regarding the stairwells and doors available to the public.

Jeff Childs, Architect, 720 "O" Street, came forward to explain the blueprint drawing and the structure which offers limitations to change the openings to the building.

Nicole Fleck-Tooze, Public Works, came forward to answer questions posed by Council members. She offered a motion to amend. Public Works and Urban Development are trying to work out some policy area recommendations for the Haymarket and it is not finalized. The recommendation is that the Right-Of-Way use permit not be approved, but if it is, that a 7' wide sidewalk be constructed with a curb east of the dock to provide continuous pedestrian access and that the parking would be reconfigured.

Harry Kroos, Public Works Engineering, came forward to provide more information about the widths in front of the Hardy Building. The American Disabilities Act requires 5' clear width for two wheelchairs to pass each other.

Mr. Childs returned for rebuttal and stated he agreed with the ADA requirements for width on the sidewalks. Mr. Lewis reminded everyone that this door has swung out into the public right-of-way for over 90 years and he would like to maintain the original construction of the building.

This matter was taken under advisement.

USE PERMIT 43B - APPLICATION OF STOCKWELL OFFICE PARK ASSOCIATION TO MODIFY THE SIGN PLAN OF STOCKWELL OFFICE PARK TO DECREASE THE SIGN AREA OF THE PERMITTED SIGN AT THE 14TH STREET VEHICULAR ENTRANCE AND TO INCREASE THE AREA AND HEIGHT OF THE PERMITTED SIGN ADJACENT TO LOT 5, NEAR S. 13TH STREET - Dennis Plachy, Capitol Sign Company, came forward in favor.

Craig Groat, 4935 Huntington Street, came forward and stated a neutral position regarding the signage.

Mike DeKalb, Planning Dept., came forward to answer questions regarding codes for the City.

Councilman Werner asked about the appropriateness of an amendment and if it would meet the staff's recommendation.

Mr. Plachy returned for rebuttal and to answer additional questions asked by Council members.

This matter was taken under advisement.

APPROVING A WAIVER OF THE DESIGN STANDARDS FOR ORNAMENTAL STREET LIGHTING IN THE CATHER ADDITION ADMINISTRATIVE FINAL PLAT ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND CATHER ROAD - Craig Groat, 4935 Huntington Street, came forward in opposition.

This matter was taken under advisement.

SPECIAL PERMIT 1610C - APPLICATION OF JOYCE-HINKLEY LIMITED PARTNERSHIP TO ADJUST THE FRONT YARD FROM 20 FEET TO 19.5 FEET FOR THE SOUTHERNMOST GARAGE ALONG NORTH 58TH STREET, AND TO REVISE THE REAR YARD SETBACK TO 4.5 FEET FOR THE WESTERNMOST GARAGE ALONG THE NORTH LOT LINE, ON PROPERTY GENERALLY LOCATED AT 57TH AND FREMONT STREETS - Dana Baker, on behalf of Joyce-Hinkley Limited Partnership. He explained that two of the garages were built in the setback area. They are asking for an amendment to the Special Permit.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JANUARY 1 - 15, 2003 - Craig Groat, 4935 Huntington Street, came forward in opposition.

Council Chair Cook asked Mr. Groat to speak specifically to individual claims on the legislation.

This matter was taken under advisement.

4:20 P.M. BREAK

4:33 P.M. RECONVENE

#### MISCELLANEOUS BUSINESS

Mike Morosin, 2055 "S" St., came forward to talk about the relocation of

Day Watch and CenterPointe in the Malone Neighborhood. He feels their neighborhood does not get the fair share of maintenance dollars, public services and economic development.

Jodi Drewes-Kinney, (no address given), came forward to address the issues of the Malone Neighborhood.

Ed Patterson, 2108 Q Street, came forward to continue discussing issues of the Malone Neighborhood. He had a handout for the Council members that covered all of the issues that had been presented.

Craig Groat, 4935 Huntington Street, came forward to discuss weed control.

These matters were taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

## **COUNCIL ACTION**

**LIQUOR RESOLUTIONS - NONE**

**ORDINANCES - 2ND READING**

VACATING THE NORTH-SOUTH ALLEY FROM THE NORTH LINE OF L STREET TO THE VACATED EAST-WEST ALLEY IN BLOCK 84, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 8TH AND L STREETS - CLERK read an ordinance, introduced by Coleen Seng, vacating the north-south alley from the north line of L Street to the vacated east-west alley in Block 84, Original Plat of Lincoln, generally located at 8th and L Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

DECLARING APPROXIMATELY 3,225 SQUARE FEET OF THE HAYMARKET PARKING GARAGE PROPERTY LOCATED AT 9TH AND Q STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 3,225 square feet of City-owned property generally located at 9th and R Streets as surplus and authorizing the sale thereof to B & J Partnership, the second time.

DECLARING APPROXIMATELY 18,150 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 6TH AND PEACH STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 18,150 square feet of City-owned property generally located at South 6th & Peach Streets as surplus and authorizing the sale thereof, the second time.

DECLARING APPROXIMATELY 9,456 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH AND RANDOLPH STREETS AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 9,456 square feet of City-owned property generally located at South 40th and Randolph Streets as surplus and authorizing the sale thereof, the second time.

DECLARING APPROXIMATELY 6.84 ACRES OF PROPERTY GENERALLY LOCATED AT 6400 WEST BENNET ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 6.84 acres of City-owned property generally located at 6400 West Bennet Road as surplus and authorizing the sale thereof, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 39.9 ACRES OF PROPERTY GENERALLY LOCATED AT NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN CONNECTION W/03-22, 03R-25, 03R-26, 03R-27) - PRIOR to reading:

FRIENDT Moved to have public hearing continued with 3rd Reading in one week on 2/10/03.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Coleen Seng, amending Section 10 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1, Ordinance No. 18032, passed July 6, 2002, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 10 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 18032 passed July 6, 2002, as hitherto existing, the second time.

CHANGE OF ZONE 3373 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(IN CONNECTION W/03-21, 03R-25, 03R-26, 03R-27) - - PRIOR to reading:

FRIENDT Moved to have public hearing continued with 3rd Reading in one week on 2/10/03.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

#### RESOLUTIONS

APPOINTING PATRICIA A. MCMANUS TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81919 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Patricia A. McManus to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2005 is hereby approved.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING DAO T. TRAN TO THE CHARTER REVISION COMMISSION FOR A FOUR-YEAR TERM EXPIRING JULY 15, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81920 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dao T. Tran to the Charter Revision Commission for a four-year term expiring July 15, 2007 is hereby approved.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY ADJACENT TO THE PROPERTY AT 311 N. 8TH STREET FOR THE INSTALLATION OF A PUBLIC STAIRWELL - PRIOR to reading:

SENG Moved to amend Bill No. 03R-24 in the following manner:

1. On page 1, beginning on line 16, insert a new paragraph 1 as follows:

1. The permission herein granted is on the condition that the applicant paint a white line on the sidewalk showing the area that will be clear at all times, with the mainlevel door open to its widest point, and that said door provide access to residential units only.

2. Renumber the subsequent paragraphs accordingly.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption as amended:

A-81921 WHEREAS, Research and Development Corporation has submitted an application for a permit to use the public right-of-way adjacent to 311 North 8th Street for the installation of a stairwell to provide public access to the lower level of the Sullivan Building; and

WHEREAS, said applicant has submitted a letter of application and

a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of Research and Development Corporation to use the public right-of-way adjacent to 311 North 8th Street for the purpose of installing a stairwell to provide public access to the lower level of the Sullivan Building, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. The permission herein granted is on the condition that the applicant paint a white line on the sidewalk showing the area that will be clear at all times, with the mainlevel door open to its widest point, and that said door provide access to residential units only.
  - 2.1- That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance with a minimum combined single limit of \$2,000,000.00 aggregate for any one occurrence.
  - 3.2- That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.
  - 4.3- The applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.
  - 5.4- That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.
  - 6.5- This permit may be revoked by resolution of the City Council and after giving of five days written notice to the Applicant by the City Clerk, for the following reasons: (a) failure of the Applicant to pay the compensation required within ten days after the date payment is due; (b) failure or neglect of the Applicant to comply with the provisions of Chapter 14.54 of the Lincoln Municipal Code, or any other provisions of the Lincoln Municipal Code or the provisions of the permit; (c) failure to use the space for which the permit was granted for a continuous period of at least six months or (d) upon a determination by the City that the space for which the permit was granted is needed for public use.
- Upon revocation of a permit, the Applicant shall forthwith remove or abandon the space for which the permit was granted, together with the removal of any structure at their own cost and expense and return that space to the City of Lincoln, free and clear of all structures or encroachments of any type, at no expense to the City. If the requested removal or abandonment has not been completed within six months after revocation of the permit, the City Council may cause such removal or abandonment to be so done and the cost of such work shall become a lien against the property of the Applicant.
- 7.6- Applicant shall pay, as rental fee for the space occupied, an amount equal to ten percent of the square foot value, as last fixed by the Board of Equalization, of the lot directly abutting on the use, multiplied by the square footage of the use of space.

Said rental payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided however, the amount of the initial payment required hereunder shall be pro-rated from the date when the permit is issued to the 1st day of October of the next year and payments shall be due and payable on October 1st thereafter. Rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of one percent per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of five percent shall be added thereto in addition to said interest.

8.7- The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the

above-named applicant, its successors and assigns.

9.8- That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2.(In connection w/03-21, 03-22, 03R-26, 03R-27)- PRIOR to reading:

FRIENDT Moved to continue action on Bill No. 03R-25 for one week to 2/10/03.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL AND THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE ROAD TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES AND DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, AND PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(In connection w/03-21, 03-22, 03R-26, 03R-27) - PRIOR to reading:

FRIENDT Moved to continue action on Bill No. 03R-26 for one week to 2/10/03.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

USE PERMIT 145 - APPLICATION OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR SPACE, WITH A WAIVER OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(In connection w/03-21, 03-22, 03R-25, 03R-26)- PRIOR to reading:

FRIENDT Moved to continue action and P.H. on Bill No. 03R-27 for one week to 2/10/03.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

USE PERMIT 43B - APPLICATION OF STOCKWELL OFFICE PARK ASSOCIATION TO MODIFY THE SIGN PLAN OF STOCKWELL OFFICE PARK TO DECREASE THE SIGN AREA OF THE PERMITTED SIGN AT THE 14TH STREET VEHICULAR ENTRANCE AND TO INCREASE THE AREA AND HEIGHT OF THE PERMITTED SIGN ADJACENT TO LOT 5, NEAR S. 13TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

WHEREAS, Stockwell Office Park Association has submitted an application in accordance with Section 27.69.044 of the Lincoln Municipal Code designated as Use Permit No. 43B for authority to modify the sign plan of Stockwell Office Park on property generally located north of Burnham Street between South 13th Street and South 14th Street, and legally described to wit:

Outlot A, Stockwell Office Park addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Stockwell Office Park Association, hereinafter referred to as "Permittee", to modify the sign plan of Stockwell Office Park on the property legally described above be and the same is hereby granted under the provisions of Section 27.69.044 of the Lincoln Municipal Code upon condition that construction of the approved signs be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the modification of the sign plan as follows:

- a. A decrease in the sign area of the permitted sign at the 14th Street vehicular entrance.
- b. An increase in the area and height of the permitted sign in the front yard setback along S. 13th Street adjacent to Lot 5.

2. Before receiving building permits the construction plans must conform to the approved plans.

3. Before occupying the buildings all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda

Seconded by Seng & **LOST** by the following vote: AYES: Camp,

Svoboda; NAYS: Cook, Friendt, McRoy, Seng, Werner.

The resolution, having **LOST**, was assigned File #38-4432 & was placed on file in the Office of the City Clerk.

APPROVING A WAIVER OF THE DESIGN STANDARDS FOR ORNAMENTAL STREET LIGHTING IN THE CATHER ADDITION ADMINISTRATIVE FINAL PLAT ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND CATHER ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81922 WHEREAS, the Administrative Final Plat of Cather Addition was previously approved by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Administrative Final Plat was the requirement that the subdivider install ornamental street lighting along private roadways within Lot 2 in said Administrative Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

That the requirement of the Administrative Final Plat of Cather Addition relating to the installation of an ornamental lighting system, is hereby waived.

All other conditions for approval of the Administrative Final Plat



of Cather Addition shall remain in full force and effect.

Introduced by: Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1610C - APPLICATION OF JOYCE-HINKLEY LIMITED PARTNERSHIP TO ADJUST THE FRONT YARD FROM 20 FEET TO 19.5 FEET FOR THE SOUTHERNMOST GARAGE ALONG NORTH 58TH STREET, AND TO REVISE THE REAR YARD SETBACK TO 4.5 FEET FOR THE WESTERNMOST GARAGE ALONG THE NORTH LOT LINE, ON PROPERTY GENERALLY LOCATED AT 57TH AND FREMONT STREETS - PRIOR to reading:

CAMP Moved to place on pending Bill No. 03R-30.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, Svoboda, Werner; NAYS: McRoy, Seng.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JANUARY 1 - 15, 2003 - CLERK read the following resolution, introduced by Ken Svoboda who moved its adoption:

A-81923 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 16, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED</u>
Walter Stanislav	\$64.93	Eileen M. (Law) Mendlick	
Dennis Mathias	NAS*	AMCO/Nationwide Insurance Co.	\$ 750.00
Christopher Ray Smiley	NAS*	Gerald Klemke	3,000.00
		Robert Cuddeback	632.12
		Jared K. & Carol Hartweg	9,500.00
		Lester O. Lacey	550.00
		Terry & Windie Wolfgang	636.47
		Kimberly A. Weber	1,781.74

\* No Amount Specified.

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE REAPPOINTMENT OF DANA W. ROPER AS CITY ATTORNEY FOR A TWO-YEAR TERM EXPIRING JANUARY 18, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81924 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dana W. Roper as the City Attorney for a 2-year term expiring January 18, 2005, is hereby approved.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED DECEMBER 31, 2002- CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81925 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2002, \$40,262.65 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND THE CITY TO JOINTLY PLACE TELECOMMUNICATIONS

ASSETS IN THE UNDERGROUND STEAM TUNNEL/CONDUIT LOCATED IN 14<sup>TH</sup> STREET FROM R STREET TO K STREET. (In connection w/03-15) (1/27/03 - Action delayed 1 wk to 2/3/03) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81927 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq. permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, UNL and City agree that it would be mutually beneficial to jointly engage in certain telecommunication efforts in the City of Lincoln; and

WHEREAS, UNL has placed an underground steam conduit and tunnel in 14th Street pursuant to the authorization of City Ordinance 3060 and no longer uses such conduit and steam tunnel for heating purposes; and

WHEREAS, UNL and the City desire to jointly use such facilities in 14th Street for other purposes beneficial to both public entities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln and University of Nebraska - Lincoln attached hereto as Attachment "A" in connection with the use of a former steam conduit and steam tunnel previously placed and generally located in 14th Street from the State Capitol to "R" Street is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Steve Huggenberger, Assistant City Attorney, for transmittal to the University of Nebraska - Lincoln Board of Regents.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

#### PETITIONS & COMMUNICATIONS - NONE

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 27, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR JANUARY 21 THROUGH JANUARY 24, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81926 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF DECEMBER, 2002 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

"WOMEN'S VOICES: FINDING SOLUTIONS 2003 SPECIAL REPORT" PREPARED BY LINCOLN LANCASTER WOMEN'S COMMISSION - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTHS OF JULY, AUGUST & SEPTEMBER, 2002: AMERIVISION COMMUNICATIONS, INC.; THE MONTHS OF OCTOBER & NOVEMBER, 2002: ALLTEL COMMUNICATIONS OF NEBRASKA, INC.; THE MONTHS OF OCT., NOV., & DEC., 2002: CLARICOM NETWORKS, INC., MATRIX TELECOM, TOUCH 1 COMMUNICATIONS, INC.; THE MONTH OF DECEMBER, 2002: GTC TELECOM, INC., LDMI TELECOMMUNICATIONS, INC., BUSINESS TELECOM, INC., NPCR, INC., ATS MOBILE TELEPHONE CO., INC., OPERATOR COMMUNICATIONS, INC., OCMC, INC., LIGHTYEAR COMMUNICATIONS, INC., COMDATA TELECOMMUNICATIONS, INC., GLYPHICS COMMUNICATIONS, INC., TRI-M COMMUNICATIONS, INC., NOS COMMUNICATIONS, INC., RSL COM USA, INC.,

GLOBALCOM, INC., AT&T WIRELESS, USA PAGING, LLC, VARTEC, ZONE TELECOM, INC., I-LINK COMMUNICATIONS, INC., WORLDXCHANGE CORP., BIG PLANET, INC., ASSOCIATION ADMINISTRATORS, INC., AFFINITY NETWORK, INC., ATT WIRELESS PCS LLC, WESTERN UNION COMMUNICATIONS, INC., NEXTEL WEST CORP., WWC LICENSE, LLC., SPRINT COMMUNICATION COMPANY LIMITED PARTNERSHIP, NETWORK BILLING SYSTEMS, LLC., GUARANTEED PHONE SERVICE, NORSTAN NETWORK SERVICES, INC., SPRINT SPECTRUM, L.P., TELCO DEVELOPMENT GROUP DE INC., NOSVA LIMITED PARTNERSHIP, AND EXCEL TELECOMMUNICATIONS, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, FEBRUARY 24, 2003 AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:  
03-27 Paving District: North 57th Street, Fremont to Hartley Streets

03-28 Water District: NW 6<sup>th</sup> Street, West Dawes to West Saunders  
CLERK Requested a motion.  
SVOBODA So moved.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

#### ORDINANCES - 1ST READING

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 7.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-24, 03R-33, 03R-34) - CLERK read the following ordinance, introduced by Ken Svoboda, amending the corporate limits of the City by annexing approximately 7.1 acres of property generally located at South 91st Street and Pine Lake Road, the first time.

CHANGE OF ZONE 3374 - APPLICATION OF HAMPTON DEVELOPMENT SERVICES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-23, 03R-33, 03R-34) - CLERK read the following ordinance, introduced by Ken Svoboda, for a change of zone 3374 - application of Hampton Development Services for a change of zone from AG Agricultural to R-3 Residential on property generally located at South 91st Street and Pine Lake Road, the first time.

APPROVING AN EXCHANGE OF APPROXIMATELY 3.63 ACRES OF LAND OWNED BY THE CITY OF LINCOLN FOR 3.94 ACRES OF LAND IN ORDER TO RELOCATE AN LES SUBSTATION ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND HIGHWAY 2. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 2/10/03) - CLERK read the following ordinance, introduced by Ken Svoboda, approving an exchange of approximately 3.63 acres of land owned by the City of Lincoln for 3.94 acres of land in order to relocate an LES substation on property generally located at 91st Street and Highway 2, the first time.

APPROVING A FIVE-YEAR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES CORP. FOR A 140-H SERIES II CATERPILLAR MOTOR GRADER - CLERK read an ordinance, introduced by Ken Svoboda, approving a five-year lease-purchase agreement between the City and Caterpillar Financial Services Corp. for a 140-H Series II Caterpillar motor grader, the first time.

#### ORDINANCES - 3RD READING

CREATING SIDEWALK IMPROVEMENT DISTRICT NO. 94 IN VARIOUS LOCATIONS WITHIN THE CITY INCLUDING THAT AREA BOUNDED ON THE NORTH BY FLETCHER AVENUE, ON THE EAST BY 84TH STREET, ON THE SOUTH BY YANKEE HILL ROAD, AND ON THE WEST BY N.W. 27TH STREET, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Glenn Friendt, creating Sidewalk Improvement District No. 94, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

FRIENDT Moved to pass the ordinance as read.

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Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance being numbered #18127 is recorded in Ordinance Book No. 25, Page

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, AND STREET CONSTRUCTION FUND - PRIOR to reading:

SENG Moved to amend Bill No. 03-14 in the following manner:

1. On page 1, delete lines 20 through 22 inclusive.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Glenn Friendt, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Sanitary Sewer Construction Fund, Water Construction Fund, and Street Construction Fund, the third time.

FRIENDT Moved to pass the ordinance as amended.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered #18128 is recorded in Ordinance Book No. 25, Page

AMENDING ORDINANCE 3060, PASSED JULY 29, 1929, WHICH AUTHORIZED THE USE OF RIGHT-OF-WAY TO THE UNIVERSITY OF NEBRASKA FOR A STEAM TUNNEL/CONDUIT IN 14TH STREET FROM R STREET TO K STREET TO ALLOW ADDITIONAL USE OF SPACE FOR TELECOMMUNICATIONS PURPOSES - CLERK read an ordinance, introduced by Glenn Friendt, amending Ordinance 3060, passed by the City Council on July 29, 1929, for additional authorization for University of Nebraska-Lincoln to utilize a former steam tunnel and conduit for placement of telecommunications fiber optic cable, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered #18129 is recorded in Ordinance Book No. 25, Page

MISCELLANEOUS BUSINESS

RECONSIDERATION -

PRE-EXISTING USE PERMIT NO. 3AA - APPLICATION OF WESTFIELD SHOPPINGTOWN (FORMERLY GATEWAY) TO REPLACE, REMOVE, AND MOVE VARIOUS WALL SIGNS, INTERIOR DIRECTIONAL SIGNS AND PERIMETER SIGNS AT WESTFIELD SHOPPINGTOWN - GATEWAY, 6100 O STREET - PRIOR to reading:

FRIENDT Moved to amend Pre-Existing Use Permit No. 3AA as follows:

On page 2, line 3, in lieu of the period, insert a comma and add the following language: including sign No. 4A, a 40-foot high, 200 square foot area, pole sign in the front yard near the easternmost "O" Street entrance as shown in the original application.

Seconded by McRoy & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Seng, Werner.

FRIENDT Moved to reconsider as amended:

A-81901 WHEREAS, Westfield Shoppingtown (formerly known as Gateway) has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Pre-Existing Use Permit No. 3AA for authority to amend the signs plan at Westfield Shoppingtown - Gateway, on property generally located at 6100 "O" Street, and legally described to wit:

A portion of Lot 233, Lots 213, 214, 232, and 257 Irregular Tracts and Lot 2, Gateway Terrace, all located in the South Half of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, further described in the attached legal descriptions;

WHEREAS, the real property adjacent to the area included within the site plan for this amended sign plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions

hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Westfield Shoppingtown, hereinafter referred to as "Permittee", to amend the sign plan on the property legally described above be and the same is hereby granted under the provisions of Section 27.37.070 of the Lincoln Municipal Code upon condition that construction of said sign plan be in strict compliance with the application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a revised sign plan for Pre-existing Use Permit 3, Westfield Shoppingtown - Gateway, including sign No. 4A, a 40-foot high, 200 square foot area, pole sign in the front yard near the eastermost "O" Street entrance as shown on teh original application.

2. All terms and conditions of Pre-Existing Use Permit 3 shall apply unless specifically approved by this amendment.

3. Before receiving building permits:

a. The construction plans must conform to the approved plans.

b. The Permittee must submit an acceptable, revised and reproducible final plan, including five copies.

3. All development and construction must be completed in conformance to the approved plans.

4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: Cook, Werner.

**PENDING -**

CAMP Moved to extend the Pending List to February 10, 2003.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on February 10, 2003.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**ADJOURNMENT**

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5:42 P.M.

CAMP            Moved to adjourn the City Council meeting of February 3, 2003.  
                  Seconded by Seng & carried by the following vote: AYES: Camp,  
                  Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
                  So ordered.

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Joan Ross, City Clerk

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Glenna Graupmann, Senior Office Assistant